

# **MEMORANDUM OF AGREEMENT**

**BETWEEN**

## ***THE UTAH DIVISION OF OIL, GAS AND MINING MINERALS REGULATORY PROGRAM***

**AND**

## ***THE UTAH DIVISION OF STATE HISTORY***

WHEREAS, the Division of Oil, Gas and Mining is the designated regulatory authority for the state of Utah, responsible for implementation and enforcement of a state-wide program for the regulation of mineral mining and reclamation activities under state law and implementing regulations (Section 40-8 et. seq. Utah Code Annotated), which involves approved mine plans and exploration plans, and;

WHEREAS, the State Historic Preservation Officer Division of State History is the agency designated by state law to mark and preserve historic, cultural and archeological resources of the state, to establish a state register of historic and cultural sites, and to participate in the National Historic Preservation Act pursuant to 36 CFR 800, and;

WHEREAS, Section 9-8-404 of the Utah Code requires each State agency before expending state funds or approving an undertaking to allow the director or assigned staff of State History a reasonable opportunity to comment regarding the undertaking or expenditure, and;

THEREFORE, it is mutually agreed that the Division of Oil, Gas and Mining ("DOGM") and State Historic Preservation Officer ("SHPO") work for the common purpose of minimizing the adverse effects of mineral mining activities on archeological, historic, and cultural resources on all lands within the State of Utah.

### **STIPULATIONS:**

#### **A. Submission of Large Mine Permits (>5 acres), Small Mine Permits and Exploration Plans:**

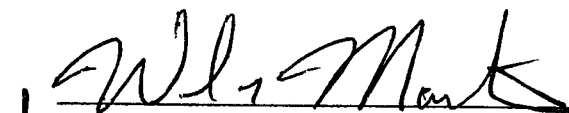
1. When the DOGM is contacted by an operator who is intending to mine or explore in sufficient quantities to require a permit, the DOGM will notify the SHPO by email of the need for consultation concerning the impact of the proposed development upon historic and cultural resources. Such notification will include a brief description and a quadrangle map showing the location of the proposed operation, including the UTM Coordinates and duration of activities and the nature of mining activities.
2. The SHPO will respond to the DOGM and the operator, in writing or email, within 10 days for Small Mine and Exploration Permits and 30 days for Large Mine Permits (as required by 36 CFR 800) of notification concerning the status of the proposed development with respect to listing upon the State and National

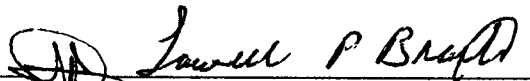
Register of Historic Places and the potential for location of eligible sites within the project area. Should SHPO fail to reply within the specified timeframes, the DOGM will assume no further action is required and will process the permit application accordingly.

3. If SHPO determines that the proposed development will potentially impact cultural and historic resources listed or eligible for listing on the State or National Historic Registers, SHPO shall provide the DOGM with an evaluation of such probable impacts as well as the evaluations for the needs of survey and mitigation plans to adequately mitigate the probable impacts upon cultural resources within the area of the operator's mining and reclamation plan.
4. DOGM is responsible for determining if Utah SHPO recommendations are implemented for the undertaking. The DOGM will carry out the necessary coordination to comply with the requirements of Section 9-8-404 of the Utah Code.


This Memorandum of Agreement shall become effective when signed by all parties. It shall remain in effect until terminated by mutual agreement or by either party upon 30 days written notice to the parties. Amendments to this agreement may be proposed by either party and shall be adopted upon written agreement by all parties.

APPROVED this 2nd day of January, 2002 by the following parties:

  
Max J. Evans  
State Historic Preservation Officer

  
Lowell P. Braxton, Director  
Division of Oil, Gas and Mining

Approved as to form:

  
Assistant Attorney General